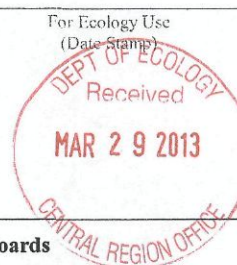




## Application for Change/Transfer of Water Right

For Ecology Use  
(Date Stamp)



For filing with the Department of Ecology or with County Conservancy Boards

**A NON-REFUNDABLE MINIMUM FEE OF \$50.00 MUST ACCOMPANY THIS APPLICATION  
IF FILED WITH THE DEPARTMENT OF ECOLOGY**

(Check all that apply.)

- ☒ Change purpose(s) of use
- ☒ Add purpose(s) of use
- ☐ Change point(s) of diversion/withdrawal
- ☐ Add point(s) of diversion/withdrawal
- ☐ Change/transfer place of use
- ☐ Other (i.e. consolidation, intertie, trust water)

Explain: to enable irrigation of additional acreage, trust enrollment

**\*\*IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL  
SHEETS (PLEASE PRINT OR TYPE CLEARLY)\*\***

☐ I have participated in a pre-application conference with Ecology.

### 1. Applicant Information

APPLICANT/BUSINESS NAME <b>Zirkle Fruit Company</b>	PHONE NO. <b>(509) 697-6101</b>	FAX NO.
ADDRESS <b>PO Box 190</b>		
CITY <b>Selah</b>	STATE <b>WA</b>	ZIP CODE <b>98942</b>
EMAIL ADDRESS (IF AVAILABLE)		

CONTACT (IF DIFFERENT FROM ABOVE) <b>Bill Wangler, JR</b>	PHONE NO. <b>same</b>	FAX NO.
ADDRESS <b>same</b>		
CITY	STATE	ZIP CODE
EMAIL ADDRESS (IF AVAILABLE)		

LEGAL LAND OWNER or PART OWNER OF PROPOSED PLACE OF USE <b>Zirkle Fruit Company</b>	PHONE NO. <b>same</b>	FAX NO.
ADDRESS <b>same</b>		
CITY	STATE	ZIP CODE
EMAIL ADDRESS (IF AVAILABLE)		

### 2. Water Right Information

WATER RIGHT OR CLAIM NUMBER <b>Superseding Permit No. G4-24758(A)P dated October 25, 2012 (243 acre portion thereof)</b>	RECORDED NAME(S) <b>Zirkle Fruit Company by assignment executed 12/21/2012 (attached).</b>
DO YOU OWN THE RIGHT TO BE CHANGED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
IF NO, PROVIDE OWNER(S) NAME and ADDRESS:	
HAS THE WATER BEEN PUT TO BENEFICIAL USE IN THE LAST FIVE (5) YEARS? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	

*Please attach copies of any documentation that demonstrates consistent, historical use of water since the right was established.  
Also, if you have a water system plan or conservation plan, please include a copy with your application.*

Water use information can be provided as needed.

**BENT-13-02**

**C64-24758(C)P**



### 3. Point(s) of Diversion/Withdrawal:

#### A. Existing

SOURCE	NO.	¼	¼	SEC.	TWP.	RGE.	PARCEL #	WELL TAG #
Four wells	9	NW	SW	03	05	28E	See Attachment.	AAS 912
(Nos. are permit	10	SE	NE	03	05	28E	See Attachment.	n/a
site numbers)	11	SW	SW	35	06	28E	See Attachment.	n/a
	12	SE	SE	35	06	28E	See Attachment.	n/a

#### B. Proposed

SOURCE	NO.	¼	¼	SEC.	TWP.	RGE.	PARCEL #	WELL TAG #
No change								

DO YOU OWN THE EXISTING AND PROPOSED POINT(S) OF DIVERSION/WITHDRAWAL?

EXISTING: ☒ YES ☐ NO PROPOSED: ☐ YES ☐ NO - IF NO, PROVIDE OWNER(S) NAME: No new sites are proposed - n/a.

Please include copies of all water well reports involved with this proposal. Also, if you know the distances from the nearest section corner to the above point(s) of diversion/withdrawal, please include that information in Item No. 6 (remarks) or as an attachment. Well Report for site 9 well is attached.

### 4. Purpose of Use:

#### A. Existing

PURPOSE OF USE	GPM or CFS	ACRE-FT/YR	PERIOD OF USE
irrigation of 243 acres	2386 gpm	969	03/01 - 11/1

#### B. Proposed

PURPOSE OF USE	GPM or CFS	ACRE-FT/YR	PERIOD OF USE
irrigation of up to 350 acres	2386 gpm	700	2/15-11/30
to preserve groundwater resources	2386 gpm*	269	year round
(temporary trust enrollment)			

\*not to exceed 2386 gpm in combination with irrigation purpose.

### 5. Place of Use:

#### A. Existing

LEGAL DESCRIPTION OF LANDS WHERE WATER IS PRESENTLY USED:

In T. 6 N., R. 28 E.W.M.:S1/2S1/2 Section 35, EXCEPT West 100 feet of South 100 feet of SW1/4 Section 35.

In T. 5 N., R. 28 E.W.M.: That portion of Section 3 lying North of relocated right of way of Spokane, Portland, and Seattle Railway Company, EXCEPT portion conveyed to United States of America by instrument recorded August 13, 1949, under Auditor's File No. 239605.

Parcels: See Attachment.

¼	¼	SEC.	TWP.	RGE.	COUNTY	PARCEL #	# OF ACRES
					Benton	see above	243 water right

DO YOU OWN ALL THE LANDS IN THE EXISTING PLACE OF USE? ☒ YES ☐ NO

IF NO, PROVIDE OWNER(S) NAME: n/a

#### B. Proposed

LEGAL DESCRIPTION OF LANDS WHERE NEW USE IS PROPOSED:

No change.

¼	¼	SEC.	TWP.	RGE.	COUNTY	PARCEL #	# OF ACRES

DO YOU OWN ALL THE LANDS IN THE PROPOSED PLACE OF USE? ☒ YES ☐ NO

IF NO, PROVIDE OWNER(S) NAME: \_\_\_\_\_

Attach a detailed map of your proposed change/transfer. The map should show existing and proposed point(s) of diversion/withdrawal, place of use and any other features involved with this application. If platted property, please include a certified copy of the plat map. A map is attached.

Are there any ADDITIONAL WATER rights OR CLAIMS RELATED to the same property as the ONE PROPOSED FOR CHANGE/TRANSFER?

☒ YES ☐ NO - IF YES, PROVIDE THE WATER RIGHT/CLAIM NUMBER(S): G4-24758(A)P authorizes additional acres, besides the 243 acres subject of this change application.



## 6. Remarks and Other Relevant Information:

See Attachment.

IF FOR SEASONAL OR TEMPORARY, START DATE \_\_\_\_/\_\_\_\_/\_\_\_\_ END DATE \_\_\_\_/\_\_\_\_/\_\_\_\_

Certain applications may incur a Real Estate Excise Tax liability for the seller of the water rights. The Department of Revenue has requested notification of potential taxable water right related actions and therefore may be provided with a copy of this request. For further information, contact: Department of Revenue, Real Estate Excise Tax, PO Box 47477, Olympia, WA 98504-7477. Phone (360) 570-3265.

## 7. Signatures:

I certify that the information above is true and accurate to the best of my knowledge. I understand that in order to process my application, I hereby grant staff from the Department of Ecology or the County Conservancy Board access to the above site(s) for inspection and monitoring purposes. If assisted in preparing this above application, I understand that all responsibility for the accuracy of the information rests with me.

William W. Wangler, JR.,  
Sec-Treasurer of Zirkle Fruit Company  
Applicant Printed Name – Title

William W. Wangler JR. 01/23/13  
Applicant Signature (Date)

William W. Wangler, JR.,  
Sec-Treasurer of Zirkle Fruit Company  
Water Right Holder Printed Name

William W. Wangler JR. 01/23/13  
Water Right Holder Signature (Date)

William W. Wangler, JR.,  
Sec-Treasurer of Zirkle Fruit Company  
Land Owner of Existing Place of Use Printed Name

William W. Wangler JR. 01/23/13  
Land Owner of Existing Place of Use Signature (Date)

n/a  
Land Owner of Proposed Place of Use Printed Name

n/a 1/1  
Land Owner of Proposed Place of Use Signature (Date)

Please check the region in which the project is located:

<b>*Submit your application to:</b>  DEPARTMENT OF ECOLOGY CASHIERING SECTION PO BOX 47611 OLYMPIA, WA 98504-7611	<input checked="" type="checkbox"/> Central Regional Office 15 W Yakima Avenue, Suite 200 Yakima, WA 98902 (509) 575-2490	<input type="checkbox"/> Eastern Regional Office 4601 N. Monroe Street Spokane, WA 99205-1295 (509) 329-3400
	<input type="checkbox"/> Northwest Regional Office 3190 – 160 <sup>th</sup> Avenue SE Bellevue, WA 98008-5452 (425) 649-7000	<input type="checkbox"/> Southwest Regional Office PO Box 47775 Olympia, WA 98504-7775 (360) 407-6300

### WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):

- ☐ APPLICATION FEE NOT ENCLOSED ☐ MAP NOT INCLUDED or INCOMPLETE  
☐ ADDITIONAL SIGNATURES REQUIRED ☐ SECTION \_\_\_\_\_ IS INCOMPLETE  
☐ OTHER/EXPLANATION: \_\_\_\_\_

STAFF: \_\_\_\_\_ DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_

## Attachment

*to Application for Change of 243 Acre Portion of Superseding Permit No. G4-24758(A)P  
Zirkle Fruit Company*

### Summary

The applicant purchased the subject place of use together with a 243 acre, perfected portion of the permit. At closing on December 21, 2012, a water right permit assignment was executed and then filed with the Department of Ecology. The assignment forms are included with this application. Ecology extended the permit for Completion of Construction by letter dated January 9, 2013, also included with this application.

The application requests increasing the water right irrigated area from 243 to 350 acres using 700 acre-feet annually on the 350 acres. The applicant plans to convert rotational cropping to vineyard. The balance of the annual volume which has been perfected is requested to be enrolled temporarily in the state trust water right program under terms to be prescribed by the applicant as provided under RCW 90.42.080. The irrigation season is requested to be lengthened for flexibility in water applications and to meet crop needs.

### Permit Portion Assigned to Zirkle Fruit Company, Assignment Executed December 21, 2012

*Quantities:* 2386 gpm and 969 af/yr for irrigation of 243 acres.

### *Well Sites, Benton County Parcel Nos:*

Permit Well Site Nos. 9 (NW1/4SW1/4 Sec. 3);  
ptns. of 1-0358-202-0006-000, 1-0358-202-0007-000.

Site 10 (SE1/4NE1/4 Sec. 3);  
1-0358-100-0007-000, ptns. of 1-0358-100-0005-000 and 1-0358-100-0004-000.

Site 11 (SW1/4SW1/4 Sec. 35); 1-3568-300-0002-001 and 1-3568-300-0002-002.

Site 12 (SE1/4SE1/4 Sec. 35); 1-3568-400-0003-000 and 1-3568-400-0004-000.

### *Place of Use, Benton County Parcel Nos:*

1-3568-300-0002-001; 1-3568-300-0002-002; 1-3568-300-0002-003; 1-3568-300-0002-004;  
1-3568-400-0001-000; 1-3568-400-0002-000; 1-3568-400-0003-000; 1-3568-400-0004-000;  
1-0358-200-0001-000; 1-0358-200-0002-000; 1-0358-200-0003-000; 1-0358-100-0001-000;  
1-0358-100-0002-000; 1-0358-100-0005-000; 1-0358-100-0004-000; 1-0358-100-0003-000;  
1-0358-200-0007-000; 1-0358-200-0006-000; 1-0358-200-0005-000; 1-0358-200-0004-000;  
1-0358-202-0006-000; 1-0358-202-0007-000; 1-0358-100-0006-000; 1-0358-100-0007-000.



NOTES:

1. Total permit quantities prior to assignment were: 8060 gpm, 3274 af/yr for irrigation of 821 acres. The quantity divisions for the 243 water right acres were prorated based on water right acres and according to Real Estate Contract.
2. Under terms of the Real Estate Contract, Zirkle Fruit Company retains permit authorization with the West Living Trust, successor to FSTN LLC, for Well Site Nos. 9-12 and also in the place of use within Sections 3 and 35. The assignment did not change, amend or transfer use location, purpose, sources, or authorized quantities.
3. Only one well (Permit Well Site No. 9) has been drilled to date under the Superseding Permit. According to Department of Ecology records, this well is located: N 45d 56m 41.6s and W 119d 18m 27.7s.
4. The drilled well is a 490 feet deep well. The well report erroneously states it is within the NW1/4NW1/4 of Section 3, T. 5 N., R. 28 E.W.M. It is actually within the NW1/4SW1/4 of Section 3 consistent with Permit Well Site No. 9. Well report included with application.
5. New superseding permits were requested from Ecology, reflecting the division of this permit as assigned.